

EXHIBIT 2

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November 17, 2016

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STEPHEN VINSON,

Plaintiff,

- against - Index No.
15CV1452
(ILG) (RER)

THE CITY OF NEW YORK, VICTOR ENG,
IGOR BONDARENKO, and "JOHN DOE"
1 -3 in Their Individual Capacities
and in Their Official Capacities,

Defendants.

485 Madison Avenue
New York, New York

November 17, 2016
10:43 a.m.

DEPOSITION of THE CITY OF NEW YORK, a
Defendant, by LIEUTENANT MATTHEW SPANO, in the
above-entitled action, taken by the Plaintiff
pursuant to Federal Rules of Civil Procedure and
Order, held at the above time and place before Lisa
Paciullo, a Shorthand Reporter and Notary Public of
the State of New York.

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2 APP E A R A N C E S :

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4 MICHELSTEIN & ASSOCIATES PLLC
5 Attorneys for Plaintiff
6 485 MADISON AVENUE SUITE 1300
7 NEW YORK, NEW YORK 10022
8 BY: EUGENE M. BELLIN, ESQ.

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11 ZACHARY W. CARTER, ESQ.
12 CORPORATION COUNSEL OF THE
13 CITY OF NEW YORK
14 100 Church Street Room 3-187
15 New York, New York 10007

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1 LT. M. SPANO

2 A July 1, 1998.

3 Q How old are you?

4 A Forty.

5 MS. MBABAZI: Objection.

6 Q What is your current rank?

7 A Lieutenant.

8 Q When were you promoted to lieutenant?

9 A November of 2009.

10 MS. MBABAZI: Objection.

11 Q What are your current duties as a
12 lieutenant?

13 A I am the Brooklyn Borough Court Liaison.

14 Q Do you perform your duties as Brooklyn
15 Borough Court Liaison at 120 Schermerhorn Street?

16 A Yes, I do.

17 Q What is located at 120 Schermerhorn
18 Street?

19 A That is the Brooklyn Criminal Court
20 building.

21 Q How long have you been the Brooklyn
22 Borough Court Liaison?

23 A Approximately seven years.

24 Q What are your duties as Brooklyn Borough
25 Court Liaison?

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1 LT. M. SPANO

2 A I cooperate with the Kings County District
3 Attorney's office, the Office of Court
4 Administration, and the NYPD to ensure that arrests
5 are processed.

6 MR. BELLIN: Could you read that back for
7 me please?

8 (Whereupon, the requested answer
9 was read back by the reporter.)

10 Q What do you mean when you say to ensure
11 that arrests are processed?

12 A That the responsibilities of a Court
13 Section are met and that we cooperate with the other
14 agencies to ensure that we're following their
15 guidelines.

16 Q Well, what are the obligations of the
17 Court section?

18 A To have the prisoner brought before the
19 judge for arraignment.

20 Q In your role as Brooklyn Borough Court
21 Liaison, do you supervise other police officers?

22 A Yes.

23 Q In terms of either job titles or duties,
24 what police officers do you supervise?

25 A I supervise the police officers in the --

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1 LT. M. SPANO

2 So to define what I'm speaking of
3 responsibilities-wise, it's what the NYPD is
4 responsible for in that process.

5 Q When a person who has been arrested is
6 hospitalized before arraignment, is it your
7 responsibility to ensure that that person is
8 arraigned before a judge or is brought before a
9 judge?

10 MS. MBABAZI: Objection.

11 A Are you asking if it's my personal
12 responsibility or is it the responsibility of the
13 Brooklyn Court Section?

14 Q Well, let's start with your personal
15 responsibility.

16 A No.

17 Q Whose responsibility is it?

18 A It's collectively the members of the
19 Brooklyn Court Section.

20 Q Is it accurate to say that you supervise
21 the Brooklyn Court Section?

22 A No.

23 Q In December of 2013 and January of 2014,
24 who supervised the Brooklyn Court Section?

25 MS. MBABAZI: Objection.

1 LT. M. SPANO

2 A The commanding officer.

3 Q Who was the commanding officer of the
4 Brooklyn Court Section in December of 2013 and
5 January of 2014?

6 A I believe it was Captain William Tobin,
7 T-O-B-I-N.

8 Q Are you familiar with procedure number
9 210-05 of the New York City Police Department patrol
10 guide?

11 A I would need to see it.

12 MR. BELLIN: Could we have this document
13 consisting of two pages bearing Bates stamp
14 SV0016 and SV0017 marked as Plaintiff's Exhibit
15 16 for identification?

16 (Whereupon, a two-page document was
17 marked Plaintiff's Exhibit 16 for
18 identification, as of this date.)

19 Q I'm going to ask you to look at the
20 document that's been marked as Plaintiff's Exhibit
21 16 for identification.

22 (Whereupon, witness reviews
23 document.)

24 Q What is Plaintiff's Exhibit 16 for
25 identification?

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2 officers that clock officers in and out of court.

3 Q Is Captain William Tobin currently the
4 commander of the Brooklyn Borough Court Section?

5 A Yes.

6 Q Did Captain William Tobin supervise the
7 desk officers in the Brooklyn Borough Court Section
8 in December of 2013 and January of 2014?

9 MS. MBABAZI: Objection.

10 A I can't answer as to the Captain's duties.

11 Q In your duties as Borough Court Liaison,
12 did you ever schedule a hospital arraignment?

13 A No.

14 Q Was there an employee in the Brooklyn
15 Borough Court Section who was responsible for
16 scheduling hospital arraignments?

17 A No.

18 Q How would a hospital arraignment be
19 scheduled in December of 2013 and January of 2014?

20 A The Office of Court Administration is
21 responsible for bedside arraignments.

22 Q The period that I've been asking about,
23 how did the Office of Court Administration learn
24 that a hospital arraignment was required?

25 MS. MBABAZI: Objection.

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2 A In my experience, a member of the NYPD
3 from the -- what we call the operations room --
4 would alert them that someone was in the hospital
5 and would be eligible for a bedside arraignment or
6 someone from the Office of Court Administration
7 would inquire with us about a prisoner that could
8 possibly be bedside arraigned.

9 MS. MBABAZI: Could you just read back the
10 beginning of that response?

11 (Whereupon, the requested portion
12 was read back by the reporter.)

13 Q Where was the operations room that you
14 referred to located?

15 A Room 207.

16 Q Was that at 120 Schermerhorn Street?

17 A Yes, sir.

18 Q Who worked in the operations room?

19 MS. MBABAZI: Objection.

20 A Who worked there in the time frame you're
21 talking?

22 Q Yes.

23 A A desk officer, the person we call the
24 arrest expediter who monitors times of arrests and
25 then there are civilian members that process the

1 LT. M. SPANO

2 paperwork.

3 Q What does the arrest expediter do?

4 A They monitor the ZOLPA system and monitor
5 the times.

6 Q For what purpose?

7 A To ensure that people are arraigned in a
8 timely manner.

9 Q Would the desk officer in the operations
10 room be the same desk officer that previously you
11 referred to?

12 A Yes.

13 Q How many different desk officers were
14 there in December of 2013 and January of 2014 --

15 MS. MBABAZI: Objection.

16 Q -- in the operations room at 120
17 Schermerhorn Street?

18 A Are you asking about the particular
19 timeframe, meaning the month?

20 Q Yes.

21 A There is generally one desk officer or one
22 Platoon Commander working in that room.

23 Q Do they work in eight hour shifts?

24 A Yes.

25 Q How many shifts were there for that room?

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2 A There are three shifts.

3 Q So there would be three different desk
4 officers in a 24 hour period?

5 A There can be, yes.

6 Q Plus there would be a Platoon Commander?

7 A They could be one and the same.

8 Q Was Captain William Tobin the Platoon
9 Commander or is that a different title?

10 A Different title.

11 Q What was Captain Tobin's title?

12 A He's the commanding officer of the
13 Brooklyn Court Section.

14 Q In the period that we're talking about,
15 were hospital arraignments ever conducted in
16 Lutheran Medical Center?

17 A I cannot answer that.

18 Q In the period we're talking about, were
19 hospital arraignments conducted in any hospitals?

20 A I can't answer to that.

21 Q Why not?

22 A Because that wouldn't be in my knowledge.
23 It would be the Office of Court Administration that
24 would have arranged for them and I don't have
25 knowledge of independent arraignments.

1 LT. M. SPANO

2 was marked Plaintiff's Exhibit 17 for
3 identification, as of this date.)

4 (Whereupon, witness reviews
5 document.)

6 Q What is Plaintiff's Exhibit 17 for
7 identification?

8 A This looks like it's an O-L-P-A online
9 arrest processing printout.

10 Q Is this a copy of the document that you
11 reviewed before this deposition?

12 A Different format, but yes.

13 Q Does Plaintiff's Exhibit 17 for
14 identification refer to a specific individual?

15 A Yes.

16 Q Who does it refer to?

17 A Vinson Stephen.

18 Q That would be Vinson being the last name
19 and Stephen being the first name?

20 A Yes, V-I-N-S-O-N is the surname.

21 Q What information is conveyed in
22 Plaintiff's Exhibit 17 for identification?

23 A The time stamps for the arrest in the
24 zOLPA system.

25 Q I'm going to draw your attention to the

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2 portion under notes.

3 A Okay.

4 Q Do you know who created those notes?

5 A The document shows the rank and name of
6 the officer that made the individual note. There
7 are multiple notes.

8 Q Before you saw another version of the
9 O-L-P-A during your preparation for this deposition,
10 had you ever heard of Stephen Vinson?

11 A No, sir.

12 Q Have you ever seen any version of the
13 O-L-P-A for Stephen Vinson?

14 A No.

15 Q What do the letters P-O-M stand for?

16 A Where am I looking?

17 Q Look at the last page.

18 (Witness complies.)

19 A Police officer male.

20 Q There would be an entry of P-O-F for a
21 female officer?

22 A Yes.

23 Q If after an arrested individual is in a
24 hospital in intensive care, can that individual be
25 fingerprinted?

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1 LT. M. SPANO

2 A In my experience, it's the discretion of
3 the doctor or attending nurses, the medical staff.

4 Q Can a person be arraigned in a hospital
5 while they're in intensive care?

6 MS. MBABAZI: Objection.

7 A That would be the knowledge of the Office
8 of Court Administration.

9 Q In your experience, have prisoners been
10 arraigned in a hospital while in intensive care?

11 A Not to my knowledge. I don't know what
12 their medical condition was at the time of
13 arraignment.

14 Q Do you know Lieutenant Michael Delaney?

15 A Yes.

16 Q Was he working in the Brooklyn Borough
17 Court Section in December of 2013 and January of
18 2014?

19 A Yes. According to this sheet his name is
20 listed as making a note, so yes.

21 Q Is he still employed in the Brooklyn
22 Borough Court Section?

23 A No, he is not.

24 Q Is he still employed by the New York City
25 Police Department?